

Editorial

A DUXBURY FIRST

When the opening of the expressway drew Duxbury into Boston's commuting orbit, the 345-year-old town suddenly faced the suburban problems of rising tax rates and shrinking open space.

Duxbury, which already had one-acre zoning, rejected the usual no-growth panaceas and took a closer look at its land and its goals. The result was a new zoning bylaw—the first in the nation to be based on impact zoning—in which the town set up machinery to sit down and negotiate with developers.

Far from no-growth, Duxbury's new bylaw actually encourages higher densities provided that the developer sets aside open space and provided he can prove the taxes from his project will offset its cost to the town in schools and services. Here are excerpts from the article by Natalie Gerardi in the December issue of HOUSE AND HOME.

"As we sat around talking," attorney Donald Connors recalls, "we realized large-lot zoning is merely one tool in a community's possible range of tools and that what we really ought to do was to take a good look at Duxbury, see how it has grown, inventory its resources and then try to articulate some goal as to where we might want Duxbury to go. Then we might find the combination of tools that could help us reach those goals."

That was the beginning of the land-use committee.

"The land-use study went through the hands and minds of many different types of people... That's what made it what it is." - Edmund Dondero.

Francis Barton, a journalist, had prepared a booklet, entitled "Duxbury and the Negotiated Landscape," explaining the Rahenkamp proposal. In it he reminded the skeptics:

"Plans for our newest school cost \$130,000. Beyond this is the building of the school and the expenses of staffing and running it. If Rahenkamp Sachs & Wells save us the building of one school, we will be repaid many times over."

His argument finally prevailed, the town voted the money and work began.

"It's an expensive town; no question about that." - Donald Walker, Realtor.

Zoning finally came to Duxbury in 1944 when a reluctant majority decreed that the minimum lot size for a single-family house should be 20,000 sq. ft. with 100 ft. of frontage. In 1952 this was increased to 30,000 sq. ft. with 150 ft. of frontage, and in 1954 to 40,000 sq. ft. with 200 ft. of frontage.

Between 1966 and 1973 Duxbury's school population rose from 1,655 to 2,985. Assessments on homes were pushed up to the 100 percent mark, so in effect taxes were rising at a rate of 15 percent a year.

The high taxes were particularly hard on older people. For example, the following letter from a soon-to-be-ex-resident appeared in the local newspaper, THE DUXBURY CLIPPER:

"A growing number of people in the 60-plus age bracket (and I am one of these) who will soon be living on retirement incomes can no longer afford to live in communities like Duxbury. Soaring taxes are forcing us to do what we never intended to do, for when we built in Duxbury twelve years ago we intended to spend our retirement years here."

The Conservation Commission had an answer to the problem: Slow growth by buying land for open space.

"It is cheaper to borrow money and conserve land than to allow it to be developed," the Commission wrote. Backing up this statement were projected costs and revenues to the town from one block of 69 houses built between 1967 and 1968, showing that the 1969 deficit of \$7,725 could grow to \$84,677 by 1974.

So Duxbury set about acquiring its own land. Over the last three years it has spent nearly \$1.5 million to set aside 1,200 acres.

"An enlightened developer can do an excellent job if he takes full advantage of all the information we can supply him." - Jeremiah Browne.

As a developer who wished to build a planned development would in effect be asking for an exception to Duxbury's traditional zoning, the town, under a process called negotiated landscape impact zoning, would be entitled to ask him for some concessions.

What it boils down to is some good old-fashioned horse trading. The town allows the developer to build at higher densities, to cluster his units or to build multi-family housing; in return the developer agrees to take the town's ecology into account, to mix his housing types in a way that would have a favorable impact on the school budget and to set aside permanent open space.

"People worry so much about density that they forget about quality... I'd rather see less emphasis on density and more on quality." - Francis Barton, land-use committee.

Jeremiah Browne: "I think the bylaw will do more to keep Duxbury semi-rural than anything else we could possibly have done."

Donald Connors: "We don't know if the bylaw will achieve our goals, but at least we have something to work with."

Francis Park: "There's no way to keep the town just the way it is now. We've got to make compromises."

Polly Harrington: "The bylaw wasn't supposed to solve Duxbury's problems...just slow things down and give us a more balanced approach."

Edmund Dondero: "I think a lot of developers want to do a good job. We shouldn't look at these people as the enemy all the time."

Charles Davis: "I think they're whistling in the dark when they say that they're going to slow down the school population."

Atherton Loring: "Higher assessments were making people unload their land. We could have been flooded with new homes."

Edward Soule: "We'd end up with fewer people if we'd stuck to one-acre zoning."

Donald Walker: "It's natural to think back to the good old days, but we have to change. We can only hope to drag it out a bit."

Francis Barton: "This plan makes it possible for us to preserve the character of the town."

Robert Mastrovita: "I accept what's happened and hope for the best, but I have some real doubts about the value of what we've done."

Judge Joseph Collins: "It should be laws that govern, not men. I don't like giving too much discretionary power to town boards."

Roger Wells: "It wasn't just a handful of people who decided the bylaw was good for Duxbury. The whole town decided."

Natalie Gerardi (author of the House & Home article): Newspaper editors John and Roberta Cutler gave the new bylaw a big push with articles and editorials in the weekly DUXBURY CLIPPER.

John Rahenkamp: "Without the DUXBURY CLIPPER we wouldn't have had a snowball's chance of success."

Because of pressures from the town, the densities suggested in the master plan were reduced to one to two or one-half units per acre in area I, one to four units per acre in area II, one to six units per acre in area III.

"We wanted to be sure we didn't go too far," says Edmund Dondero. "If it's going to be unworkable, at least it's going to be unworkable in the town's favor rather than a developer's."

The new bylaw also calls for a mix of three different housing types in planned developments, with no one type to exceed 60 percent of the total and none to be less than 5 percent.

The biggest change to Wells' plan was an amendment made at the town meeting that "no dwelling unit in a multi-dwelling unit building shall be designed, constructed, or altered to have more than two bedrooms.

This amendment was proposed by Jeremiah Browne, planning board chairman.

"When we cut the allowable density we cut the appeal of this type of development from the developer's point of view," he explains. "In effect we forced him to try to get more out of each acre by building larger units because there would be fewer of them. If a developer built six four-bedroom townhouses per acre we would have a substantial impact on our school population but not necessarily get an adequate tax base in return."

The developer's site analysis must include: a topographical map; a soils map based on data maintained by the town; a vegetation and special features map showing all woodlands, groups of trees, rock outcroppings, existing buildings, roads, streams, drainage ways and ponds; a map of the neighborhood locating the site in relation to the surrounding community; and a sketch plan showing the general location, type and number of units proposed, common open space and ways.

Later he will have to provide more detailed maps on these features plus other maps showing roads, parking, utilities, open space community facilities, land coverage drainage and land use.

Finally, he must submit reports evaluating the land, population, economic impact, traffic impact, utilities impact, analyzing common open space and detailing his construction schedule.

Then the planning board must review this information with the assistance of the various town agencies and committees and prepare a written report for the board of appeals, which administers the bylaw.

"We sold the land-use program the same way we sold conservation: neighborhood by neighborhood," committee member Polly Harrington recalls. "We had a list of the registered voters in town that showed whether or not they voted and went to town meetings. Then through our personal knowledge we found the ones in the various areas who would be good at running neighborhood discussion groups."

The weekly DUXBURY CLIPPER came out firmly in favor of the new bylaw. It reminded its readers:

"America is justifiably proud of its Constitution. But this document as drawn up by our founding fathers was not perfect. Had it been, there would have been no need for the 22 ensuing amendments. The proposed... (bylaws) is not perfect either. It has loopholes that need to be corrected.... Make your amendments, but don't throw out the baby with the bath water."

It was Edmund Dondero, former chairman of the powerful finance committee and a member of both the planning board and the land-use committee, who made the speech that everyone remembers.

"Duxbury is no longer the best-kept secret on the South Shore," he said. "The bylaw is giving the town an overall land-use program and is not trying to take away anyone's rights. Give the planning board the tools it needs."

"There's going to be trouble... There always is with change... But with a little luck and some amendments the new zoning should work." - Atherton Loring, ex-planning board chief.

"People move to Duxbury because they like it and then they try to change it to make it just like the place they came from." - Edward Soule, farmer

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Much of the argument over the new bylaw was based on growth versus no-growth. Even the people who worked the hardest to develop the new bylaw and to get it passed would have preferred no-growth. But they acted from the conviction that growth would come whether they liked it or not, and the best they could hope to do was to direct it on Duxbury's terms.

This was recognized by some of the more vocal opponents, such as Charles Davis, retired chairman of Stone & Webster Engineering, and Robert Mastrovita, research director of an investment firm. Their disagreement was more with the method chosen to control growth.

Both doubted that the new bylaw would solve the tax problems, both favored experimenting on a smaller scale rather than with the whole town and both are apprehensive about how far the negotiating process might be pushed in the future.

"As I see it, just the pressure of attrition will constantly downgrade our regulations," says Davis. "For example, here comes developer A with something pretty darn good, so the planning board leans over backward for him. The next guy, developer B, is a bandit. But if they don't go as far with him they're hauled into court immediately."

Judge Joseph Collins, who recently retired from the State Supreme Court, is concerned about the negotiating process from a different point of view:

"Although the general idea of planned development may be all right, the bylaw may have the basic effect that we're approaching a rule of men rather than of laws."

The planners don't see it that way. Daniel Orwig of Guidelines, who recently submitted preliminary plans for a 50-acre planned development says:

"Everyone will be tracking through in the same way and will know exactly where he is and what he has to do. There can be no political influence at the planning board."

Even with its requirement that 25 percent of any planned development be in open space, the bylaw may not have as great effect in keeping Duxbury's land from being cut up as many had hoped. For one thing, there are very few tracts left that are large enough for major planned developments. Most future building will be on sites 50 acres or less, and it will be done by smaller developers. There is the danger that they may elect to continue building single-family houses on one-acre plots rather than go through the unfamiliar and complicated planning process required for planned development.

Edward Keating, who builds some \$700,000 worth of houses annually and who was the only builder-developer on the land-use committee, was in favor of the new bylaw but admits he doesn't know how it's going to affect him.

"It's not a program that a small builder can participate in very easily," he says. "Preliminary expenses could easily run to \$100,000. I couldn't afford to do it on my own."

The new bylaw is unlikely to have an effect on Duxbury's schools in the immediate future according to Dr. Lawrence Anderson, superintendent of schools. Based on his projections—which were only 15 off the mark for 1973—Duxbury will need additions to the high school and intermediate school by around 1975, a new elementary school by 1976 and a new intermediate school by around 1980, when the school population will top 5,000.

A major selling point that convinced many people to vote for the new bylaw was that it would encourage the building of condominiums attractive to empty-nesters.

No one knows how much of a market Duxbury has for this type of housing, however. And even if many of Duxbury's older couples do move into such condominiums—many have already indicated that they will—it would mean that their large older homes would come on the market. The logical buyers, of course, would be young couples with children.

Roger Wells, who has been appointed Duxbury's town planner believes the new bylaw can have a positive effect on Duxbury's tax problems, but he does not believe it is the whole answer.

"The town has to make some decisions about taxes," he says. "I don't think we've ever come across a community that has such a high level of service and therefore such a high cost per capita. But if everything were to stay equal, and if inflation were held constant, bringing in more people with fewer children would definitely have a positive effect on Duxbury's tax spiral."